

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ANTHONY E. LEWIS,

Plaintiff,

v.

ELDON VAIL, et al.,

Defendants.

Case No. 10-cv-495-JLR-JPD

REPORT AND RECOMMENDATION

Plaintiff, a state inmate proceeding pro se, has filed a proposed civil rights complaint pursuant to 42 U.S.C. § 1983. Dkt. No. 1, Att. 1. At the time of filing, the Clerk notified Plaintiff that his in forma pauperis application was deficient, and that he had until April 23, 2010 to correct the deficiency. Dkt. No. 3. Plaintiff has not corrected the deficiency.

However, Plaintiff has now filed a motion to voluntarily dismiss his complaint so that he may exhaust his administrative remedies. Dkt. No. 4. Accordingly, the Court, having reviewed the motion and the balance of the record, hereby recommends that Petitioner's motion to

1 voluntarily dismiss this action, Dkt. No. 4, be GRANTED and this action be DISMISSED without  
2 prejudice. A proposed order accompanies this Report and Recommendation.

3 DATED this 28th day of April, 2010.

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5 JAMES P. DONOHUE

6 United States Magistrate Judge